



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

REGISTERED MAIL

January 14, 2005

Mr. Mike Bennett
Lehigh Northwest, Inc.
PO Box 97038
Redmond WA 98073

RE: Water Quality Certification Docket #1883 / Corps No. 200400738 Dredging of up to 8,200 cy (cubic yards) of material using a barge-mounted clamshell bucket. 5,200 cy will be disposed of at an open-water disposal site and the remaining 3,000 cy of material will be disposed of at an approved upland disposal facility. The purpose of this work is to restore the moorage area at the barge-unloading facility to a uniform depth of -20 feet MLLW. This work will occur in the Duwamish Waterway and in Elliott Bay at Seattle, King County, Washington.

Dear Mr. Bennett:

The above-referenced public notice for work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law.

This certification is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order. If you have any questions about this letter or the enclosed Order, please contact Helen Pressley at 360/407-6076.

Sincerely,

Kerry Carroll for Brenden McFarland

Brenden McFarland, Supervisor
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

cc: ✓ Penny Keys, Ecology
Tom Gries, Ecology
Brad Helland, Ecology
Suzanne Skadowski, Corps
Kerrie McArthur, MCS Environmental Inc, 6505 -216th St SW, Suite 100, Mountlake Terrace, WA 98043

of certain water quality standards as a result of disturbing in-place sediments. Within the mixing zones, except as noted, water quality criteria are modified as follows:

1. **Turbidity.** Class B water quality standards for turbidity are waived within the specified mixing zones as outlined within specific conditions of this Order.
2. **Dissolved Oxygen.** Class B within the specified dilution zones, provided that total dissolved oxygen levels do not cause water quality standards for dissolved oxygen to drop below 6.0 mg/L.

An exceedance of the water quality standards could result in corrective action depending upon the degree of the exceedance and / or the risk posed by the exceedance to beneficial uses of the waterbody.

B. 303(d) Listings:

The Duwamish Waterway, (WRIA 9, Class B water of the state) is on the current 303(d) list of impaired water bodies for exceeding water quality standards for Acenaphthenes, Anthracenes, Arsenic, Benz(a)anthracenes, Benzo(a)pyrenes, Benzo(b,k)fluoranthenes, Benzo(g,h,i,)perylene, Benzoic acid, Benzyl alcohol, Bis(2-ethylhexyl)phthalate, Butylbenzo phthalate, Cadmium, Chromium, Chrysene, Copper, 4-Dimethylphenol, Dibenz(a,h)anthracene, Dibenzofurans, Diethyl phthalates, Dimethyl phthalate, Dissolved oxygen, Fecal coliform, Fluoranthenes, Fluorine, Hexachlorobenzene, Indeno(1,2,3,-cd)pyrenes, Lead, Mercury, Nnitrosodiphenylamines, 1,2,4-trichlorobenzenes, 2-Methylnaphthalene, 4-Methylphenol, Naphthalene, PAHs, PCB-1254, PCB-1260, pH, Phenanthrenes, Phenol, Pyrenes, Sediment Bioassay, Silver, Total PCBs, and Zinc within the area. This project shall not result in further exceedances of those standards, and will be out of compliance with this certification if discharges from the project exceed limits for those contaminants identified in 173-201A-030(2) WAC and/or 173-201A-040 WAC.

C. Mixing Zones:

Mixing zones and other applicable conditions are specified below under the separate categories of the project. The mixing zones are considered reasonably sufficient to allow for the temporary impacts of the project. All other applicable water quality standards shall remain in effect in the mixing zones and all water quality standards are expected to be met outside of the mixing zones.

D. Work Window:

This certificate does not authorize any in-water work during closure periods specified within this Order or the HPA.

II. **Monitoring:**

Water quality monitoring shall be done in the following areas:

- A. During dredging operations;
- B. Contiguous to upland storage areas, and
- C. During in-water disposal operations.

Work shall be accomplished as per plans and specifications contained within the "Lehigh Northwest Inc. Duwamish Waterway Facility Dredging Project BE dated June 4, 2004.

VI. Emergency and/or Contingency Measures:

- A. If dredging / disposal results in conditions causing distressed or dying fish, the operator shall immediately take the following actions:
1. Cease operations causing the distressed or dying fish.
 2. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 3. The operator shall collect fish specimens and water samples in the affected area and, within the first hour of such conditions, make every effort to have the water samples analyzed for dissolved oxygen and total sulfides. Ecology may require such sampling and analyses before allowing the work to resume.
 4. Notify the Department of Ecology and the Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

VII. Spill Prevention and Control.

- A. Any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited.
- B. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. Proper security shall be maintained to prevent vandalism.
- C. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled substances and used cleanup materials.
- D. Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to Ecology's Northwest Regional Office at (425) 649-7000 (a 24-hour phone number).

VIII. Duration of Water Quality Certification (WQC).

This WQC shall remain in effect for a period of five (5) years from date of issuance. Dredging beyond the five year term of this Order will require separate certifications every five years.

Ecology reserves the option to reassess the terms of this Order and amend or revoke, as necessary, if:

1. New sources of potential contamination are discharged or otherwise stand to significantly affect the quality of sediments dredged from Elliott Bay, or
2. New information indicates that dredging and/or disposal activities are having a significant adverse impact on water quality or characteristic uses in Elliott Bay.

IX. Notification.

- A. The Applicant or their designated contractor shall notify Ecology at least 14 days prior to the scheduled start of dredging in any year. The Ecology person to contact is Helen Pressley at (360) 407-6076 or hpre461@ecy.wa.gov.